

1 DAVID M. GIVEN (SBN 142375)  
2 NICHOLAS A CARLIN (SBN 112532)  
3 **PHILLIPS, ERLEWINE, GIVEN & CARLIN LLP**  
39 Mesa Street, Suite 201  
San Francisco, CA 94129  
4 Tel: (415) 398-0900  
5 Fax: (415) 398-0911  
6 dmg@phillaw.com  
nac@phillaw.com

7 MICHAEL VON LOEWENFELDT (SBN 178665)  
8 JAMES M. WAGSTAFFE (SBN 95535)  
9 FRANK BUSCH (SBN 258288)  
10 DANIEL J. VEROFF (SBN 291492)  
11 **KERR & WAGSTAFFE LLP**  
101 Mission Street, 18<sup>th</sup> Floor  
San Francisco, CA 94105  
12 Tel: (415) 371-8500  
13 Fax: (415) 371-0500  
14 mvl@kerrwagstaffe.com  
wagstaffe@kerrwagstaffe.com  
busch@kerrwagstaffe.com  
veroff@kerrwagstaffe.com

15 *Interim Co-Lead Counsel for Plaintiffs*  
[Additional counsel included on signature page]

16 **UNITED STATES DISTRICT COURT**  
17 **NORTHERN DISTRICT OF CALIFORNIA**  
18 **SAN FRANCISCO DIVISION**

19 MARC OPPERMAN, et al.,

20 Plaintiffs,

21 v.

22 PATH, INC., et al.

23 Defendants.  
24  
25  
26  
27  
28

Case No. 13-cv-00453-JST

**CLASS ACTION**

**STIPULATION AND [PROPOSED] ORDER  
SETTING PAGE LIMITS FOR REPLY  
BRIEF REGARDING PLAINTIFF'S  
MOTION FOR CLASS CERTIFICATION**

THIS DOCUMENT RELATES TO ALL CASES  
*Opperman v. Path, Inc.*, No. 13-cv-00453-JST  
*Hernandez v. Path, Inc.*, No. 12-cv-1515-JST  
*Pirozzi v. Apple, Inc.*, No. 12-cv-1529-JST  
*Espitia v. Hipster, Inc.*, No. 13-cv-0432-JST  
(collectively, the "Related Actions")

1 Pursuant to Civil Local Rule 7-4(b), Plaintiffs in this proceeding and Defendant Apple  
2 Inc. (collectively, the “Parties”) hereby stipulate as follows:

3 1. The Parties previously stipulated to an order, which this Court issued at ECF No.  
4 869, that due to the number of legal and factual issues on this motion, Apple shall have an  
5 additional ten (10) pages for its Opposition over and above what the Local Rules allow, for a  
6 total of thirty-five (35) pages;

7 2. In that same stipulation, Apple agreed that it would not oppose a request from  
8 Plaintiffs for an additional ten (10) pages for their Reply brief;

9 3. After reviewing Apple’s Opposition, Plaintiffs believe that their Reply in support  
10 of their motion for class certification requires discussion of a number of legal and factual issues  
11 that cannot be addressed within the Local Rules default page limits;

12 4. Counsel for the Parties have met and conferred and agree that an additional ten  
13 (10) pages for Plaintiffs’ Reply is appropriate.

14 NOW THEREFORE, the Parties stipulate as follows:

15 Plaintiffs shall have twenty-five (25) pages for their Reply brief.

16  
17 Dated: April 25, 2017

**KERR & WAGSTAFFE LLP**

18 By: /s/ Michael von Loewenfeldt  
19 James M. Wagstaffe (95535)  
20 Michael von Loewenfeldt (178665)  
21 Frank Busch (258288)  
22 KERR & WAGSTAFFE LLP  
23 101 Mission Street, 18th Floor  
24 San Francisco, CA 94105  
25 Tel.: 415-371-8500  
26 Fax: 415-371-0500  
27 wagstaffe@kerrwagstaffe.com  
28 mvl@kerrwagstaffe.com  
busch@kerrwagstaffe.com

David M. Given  
Nicholas A. Carlin  
PHILLIPS, ERLEWINE, GIVEN & CARLIN LLP  
39 Mesa Street, Ste. 201  
San Francisco, CA 94129  
Tel: 415-398-0900

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Fax: 415-398-0911  
dmg@phillaw.com nac@phillaw.com

*Interim Co-Lead Counsel for Plaintiffs*

Carl F. Schwenker (admitted *pro hac vice*)  
LAW OFFICES OF CARL F. SCHWENKER  
The Haehnel Building  
1101 East 11th Street  
Austin, TX 78702  
Tel: 512-480-8427  
Fax: 512-857-1294  
cfslaw@swbell.net

*Plaintiffs' Liaison Counsel*

Jeff Edwards (admitted *pro hac vice*)  
EDWARDS LAW  
The Haehnel Building  
1101 East 11th Street  
Austin, TX 78702  
Tel: 512-623-7727  
Fax: 512-623-7729  
cfslaw@swbell.net

Jennifer Sarnelli  
GARDY & NOTIS, LLP  
126 E. 56<sup>th</sup> Street, 8<sup>th</sup> Floor  
New York, NY 10022  
Tel: 212-905-0509  
Fax: 212-905-0508  
jsarnelli@gardylaw.com

**ATTORNEYS FOR PLAINTIFFS**

**HOGAN LOVELLS US LLP**

Dated: April 25, 2017

By: /s/ Robert B. Hawk  
Robert B. Hawk  
HOGAN LOVELLS US LLP  
4085 Campbell Ave., Suite 100  
Menlo Park, CA 94025  
Tel.: 650.463.4000  
Fax: 650.463.4199  
robert.hawk@hoganlovells.com

Clayton C. James  
HOGAN LOVELLS US LLP  
1200 Seventeenth Street, Suite 1500  
Denver, CO 80202

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Tel: 303.899.7300  
Fax: 303.899.7333  
clay.james@hoganlovells.com

**ATTORNEYS FOR DEFENDANT APPLE  
INC**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**[PROPOSED] ORDER**

**PURSUANT TO THE STIPULATION, AND GOOD CAUSE APPEARING, IT IS  
HEREBY ORDERED:**

Plaintiffs' Reply in support of its class certification motion shall not exceed a total of twenty-five (25) pages in length

Dated: \_\_\_\_\_, 2017

\_\_\_\_\_  
The Honorable Jon S. Tigar  
United States District Judge

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**FILER'S ATTESTATION**

I attest that concurrence in the filing of this document has been obtained from the other signatories listed above.

Dated: April 25, 2017

By: /s/ Michael von Loewenfeldt  
Michael von Loewenfeldt